

REMARKS

Initially, Applicants note that the remarks and amendments made by this paper are consistent with the proposals presented to the Examiner during the telephone call of May 10, 2007.

By this response, claim 1 has been amended¹, claims 36-64 are canceled, and no claims have been added such that claims 1-36 remain pending of which 1 is the only independent claim at issue.

The Non-Final Office Action, mailed April 19, 2007, considered and rejected claims 1-35. Claims 1-35 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1-35 were further rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2004/0189669 by David, et al, hereinafter David.

Additionally, claims 1-36 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-64 of copending Application No. 10/693,630. Initially, it will be noted that an appropriate terminal disclaimer is being filed with this paper, corresponding to copending Application No. 10/693,630, thereby rendering the provisional double patenting rejections moot.

With regard to the rejection under 35 U.S.C. §112, Independent claim 1 has been amended to clarify the limitations regarding the markup language. Specifically, the reference to an original format has been removed and replaced by language describing an original format as disclosed in pgs. 17-21 and Fig. 2 of the Specification. Applicants respectfully submit that the 35 U.S.C. §112 objections are now moot in view of these amendments.

Now, with regard to the substantive rejection of claims 1-35 under 35 U.S.C. §102(e), Applicants submit that the cited reference of David, is not proper prior art with respect to the present application. The present application claims priority as a continuation-in-part application to U.S. Patent Application Publication 10/402,268, which has a filing date of March 27, 2003, which is the same date as the filing date of the David reference. Accordingly, David does not qualify as prior art for rejecting the pending claims, which are clearly supported by the original

¹ Support for the amendments is found throughout the specification including, but not limited to, the disclosure of pgs. 17-21.

disclosure filed in U.S. Patent Application Publication 10/402,268, which this application claims priority to.

In view of the foregoing, Applicant respectfully submits that all of the claims are patentable over the cited art. It will be appreciated, however, that although the purported teaching of the cited art were not addressed, this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 19th day of July, 2007.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
JOHN C. BACOCK
Registration No. 59,890
Attorneys for Applicant
Customer No. 47973

JCJ:ahy
AHY0000004785V001